

11-03-04



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,332	12/30/2003	Daniel F. Justin	13447.42

DANA L. TANGREN  
 WORKMAN NYDEGGER  
 1000 EAGLE GATE TOWER  
 60 EAST SOUTH TEMPLE  
 SALT LAKE CITY, UT 84111



CONFIRMATION NO. 9889

## FORMALITIES LETTER



\*OC000000013435674\*

Date Mailed: 08/04/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 2A,18,27B.

**SUMMARY OF FEES DUE:**

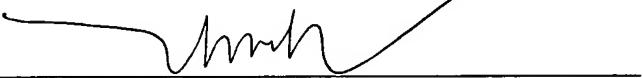
Total additional fee(s) required for this application is **\$130** for a Large Entity

	11/04/2004 BABRAHA1 00000064 10749332
• \$130 Late oath or declaration Surcharge.	01 FC:1051
	130.00 OP

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mailing Label No. EV 443 089 686 US

PATENT APPLICATION  
Docket: 13447.42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel F. Justin et al. )  
Serial No.: 10/749,332 ) Art Unit 3732  
Filed: December 30, 2003 )  
Confirmation No.: 9889 )  
For: METHODS AND APPARATUS FOR FORMING )  
A TUNNEL THROUGH A PROXIMAL END OF )  
A TIBIA )

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express mail, postage prepaid, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2<sup>nd</sup> day of November 2004:

- Response to Notice to File Missing Parts of Nonprovisional Application (3 pgs.) (in duplicate)
- Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)
- Combined Declaration and Power of Attorney (5 pgs.)
- Assignment with Form PTO-1595 (4 pgs.)
- Petition for an Extension of Time (2 pages) (in duplicate)
- Response to Request for Replacement Drawings (2 pages)
- Copy of originally filed Drawings (27 pages)
- Form PTO-2038 submitting Credit Card Payment in the amount of \$280.00
- Postcard

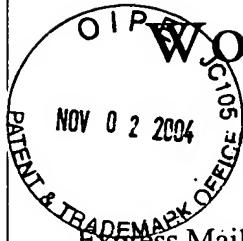
Respectfully submitted,

DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSNICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. NEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
GREGORY M. TAYLOR  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, Ph.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †  
RYAN N. FARR \*  
JAMES B. BELSHE



# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

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PATENT APPLICATION  
Docket: 13447.42

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel F. Justin et al.

Serial No.: 10/749,332

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Mail Stop Missing Parts  
Commissioner for Patents  
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Alexandria, VA 22313-1450

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed August 4, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- A Combined Declaration and Power of Attorney executed by the inventors.
- An Assignment conveying the invention to MedicineLodge, Inc., including a Form PTO-1595 recordation cover sheet.
- Response to Request for replacement drawings.

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- A Declaration Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.9 and § 1.27.
- The present application claims entitlement to Small Entity Status under 37 CFR §§ 1.9 and 1.27
- A copy of the Notice to File Missing Parts of Nonprovisional Application.
- A Certificate of Express Mail under 37 C.F.R. § 1.10.
- To render the Response timely filed, enclosed is a Petition for a One-Month Extension of Time.

The filing fee has been calculated as shown below.

			SMALL ENTITY	LARGE ENTITY
FOR	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE				\$370
TOT. CLAIMS	-20=		X 9=	X 18=
IND. CLAIMS	-3=		X 42	X 84=
MULTIPLE DEPENDENT CLAIM		+140=		+280=
			<b>TOTAL</b>	<b>TOTAL</b>

- Form PTO-2038 submitting Credit Card Payment in the amount of \$280.00 is enclosed to cover:
  - The \$\_\_\_\_ government filing fee.
  - The \$110.00 fee for an extension of time.
  - The \$40.00 recordation fee of the enclosed assignment.
  - The \$130.00 surcharge fee pursuant to 37 C.F.R. § 1.16(e).

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 23-3178.

- Any additional filing fees required under 37 C.F.R. § 1.16.
- Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.

- Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with this case to the attention of the undersigned.

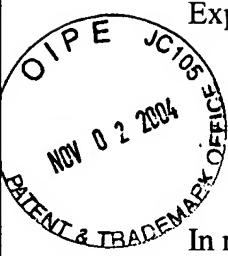
DATED this 2<sup>nd</sup> day of November 2004.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

DLT:dfw  
DFW0000011297V001



Express Mailing Label No. EV 443 089 686 US

PATENT APPLICATION

Docket: 13447.42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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Daniel F. Justin et al. )  
Serial No.: 10/749,332 ) Art Unit  
Filed: December 30, 2003 ) 3732  
Confirmation No.: 9889 )  
For: METHODS AND APPARATUS FOR FORMING )  
A TUNNEL THROUGH A PROXIMAL END OF )  
A TIBIA )

RESPONSE TO REQUEST FOR REPLACEMENT DRAWINGS

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Notice to File Missing Parts of Nonprovisional Application stated that applicant must submit replacement drawings in compliance with 37 CFR § 1.84 and 37 CFR § 1.121. Specifically, it is stated that the drawings were not acceptable because “more than one figure is present and each figure is not labeled ‘FIG.’ with a consecutive Arabic numeral . . . or an Arabic numeral and capital letter in the English alphabet . . . see Figure(s) 2A, 18, 27B.”

Applicant respectfully submits that all of the figures as originally filed included the label “FIG.” with a consecutive Arabic numeral or Arabic numeral and capital letter in the English alphabet. Enclosed please find a copy of sheets 1-27 containing Figures 1-27B of the application as

originally filed. It is specifically noted that Figures 2A, 18, and 27B strictly comply with the drawings requirements. In view of the foregoing, applicant respectfully requests that the replacement drawing requirements be withdrawn.

Dated this 2<sup>nd</sup> day of November 2004.

Respectfully submitted,

  
DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

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